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MAR 31 2000

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL CENTER

2000 MAR 31 P 4:08

CASE/COMPANY NAME:

APPLICATION OF PANDA GIL A RIVER LP

D/B/A: _____

DOCKET NO. L-00000Q-00-0099

AZ CORP COMMISSION
DOCUMENT CONTROL

NATURE OF ACTION OR DESCRIPTION OF DOCUMENT Please mark the item that describes the nature of the case/filing:

01 NEW APPLICATIONS

- ____ NEW CC&N
____ RATES
____ INTERIM RATES
____ CANCELLATION OF CC&N
____ DELETION OF CC&N TERRITORY
____ EXTENSION OF CC&N (TERRITORY)
____ TARIFF-NEW (NEXT OPEN MEETING)
____ REQUEST FOR ARBITRATION
(Telecommunication Act)
____ FULLY OR PARTIALLY ARBITRATED
INTERCONNECTION AGREEMENT
(Telecom. Act)
____ VOLUNTARY INTERCONNECTION
AGREEMENT (Telecom. Act)

- ____ MAIN EXTENSION
____ CONTRACT/AGREEMENTS
____ COMPLAINT (Formal)
____ RULE VARIANCE/WAIVER REQUEST
____ XX SITING COMMITTEE CASE
____ SMALL WATER COMPANY-SURCHARGE (Senate Bill 1252)
____ NOTICE OF OPPORTUNITY
____ SALE OF ASSETS & TRANSFER OF OWNERSHP
____ SALE OF ASSETS & CANCELLATION OF CC&N
____ FUEL ADJUSTER/PGA
____ MERGER
____ FINANCING
____ MISCELLANEOUS
Specify _____

02 REVISIONS/AMENDMENTS TO
PENDING OR APPROVED MATTERS

- ____ APPLICATION
____ COMPANY _____
____ DOCKET NO. _____

- ____ TARIFF
____ PROMOTIONAL
____ DECISION NO. _____
____ DOCKET NO. _____
____ COMPLIANCE
____ DECISION NO. _____
____ DOCKET NO. _____

MISCELLANEOUS FILINGS

- ____ 04 AFFIDAVIT
____ 12 EXCEPTION
____ 18 REQUEST FOR INTERVENTION
____ 48 REQUEST FOR HEARING
____ 24 OPPOSITION
____ 50 COMPLIANCE ITEM FOR APPROVAL

- ____ 29 STIPULATION
____ 38 NOTICE OF INTENT
(Only notification of future action/no action necessary)
____ 43 PETITION
____ 46 NOTICE OF LIMITED APPEARANCE
____ 39 **OTHER**
Specify _____

~~Timothy Berg/LLS WEST Communications~~

Print Name of Applicant/Company/Contact Person

PHX/MHARDING/1040442.1/67817.000

DOCKETED

RECEIVE

2000 MAR 31 P 4:

AZ CORP COMMISSION
DOCUMENT CONTROLMAR 31 2000
BEFORE THE ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE

CASE NO. 99

DOCKET NO. L-00000Q-00-0099

JOINT STATEMENT OF PANDA GILA
RIVER, L.P. AND ARIZONA
CORPORATION COMMISSION STAFF
REGARDING FORM OF ORDER

In the matter of the Application of Panda Gila River, L.P. or their assignee(s), in conformance with the requirements of Arizona Revised Statutes 40-360.03 and 40-360.06, for a Certificate of Environmental Compatibility authorizing the construction of natural gas-fired, combined cycle generating plant, switchyard, and related facilities in the Town of Gila Bend, Maricopa County, Arizona, located in Sections 8, 17, 20, and 21, Township 5 South, Range 4 West, Gila and Salt River Base and Meridian.

Applicant Panda Gila River, L.P. ("Panda") and the Utilities Division Staff of the Arizona Corporation Commission ("Staff"), by and through their undersigned attorneys, jointly file this form of order to assist the Arizona Power Plant and Transmission Line Siting Committee (the "Committee") in ruling on Panda's Application for Certificate of Environmental Compatibility ("Certificate").

The form of order contains eight conditions. Staff takes no position with respect to condition eight.

Panda and Staff request that the Committee approve the form of order as attached.

RESPECTFULLY SUBMITTED this 30th day of March, 2000.

ARIZONA CORPORATION COMMISSION
UTILITIES DIVISION STAFFBy 

Teena Wolfe, Attorney
Janice M. Alward, Attorney
Arizona Corporation Commission
Legal Division
1200 West Washington Street
Phoenix, Arizona 85007

1 FENNEMORE CRAIG, P.C.

2
3 By Karen E. Errant

4 C. Webb Crockett
5 Karen E. Errant
6 3003 North Central Avenue
7 Phoenix, Arizona 85012-2913
8 Attorneys for Panda Gila River, L.P.

9 ORIGINAL and 25 copies of
10 the foregoing filed this 31st day
11 of March, 2000, with:

12 Docket Control
13 Arizona Corporation Commission
14 1200 West Washington Street
15 Phoenix, Arizona 85007

16 COPY of the foregoing mailed
17 this 31st day of March, 2000, to:

18 Charles S. Pierson, Esq.
19 Chairman, Designee for Arizona Attorney General Janet Napolitano
20 Office of the Attorney General
21 1275 West Washington Street
22 Phoenix, AZ 85007-2997

23 Janice M. Alward, Esq.
24 Teena I. Wolfe, Esq.
25 Legal Division
26 Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007-2927

Deborah R. Scott
Director
Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007-2997

Mr. Timothy M. Hogan, Director
Arizona Center for Law in the Public Interest
202 East McDowell Road, Suite 153
Phoenix, AZ 85004-4533

By: Michelle Harding

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CASE NO. 99
DOCKET NO. L-00000Q-00-0099

ORDER

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20 The following members and designees of members of the Committee were present for the
21 deliberations and vote on the Application at the March 30, 2000 hearing:

Arizona Department of Water Resources

1 Wayne Smith Appointed Member
2 Robert C. Berger Appointed Member
3 Sandie Smith Pinal County Board of Supervisors

4 The Applicant was represented by C. Webb Crockett and Karen E. Errant of Fennemore
5 Craig, P.C. Staff of the Arizona Corporation Commission ("Staff") noticed their intervention as
6 a party, and were represented by Teena Wolfe.

7 At the conclusion of the hearing, the Committee, having received the Application, the
8 appearance of Panda, the evidence, testimony and exhibits presented by Panda, and having
9 received the appearance of intervenor Staff and the evidence, testimony and exhibits presented
10 by Staff, and being advised of the legal requirements of Arizona Revised Statutes §§ 40-360 to
11 40-360.13, upon motion duly made and seconded, voted to grant Panda a Certificate of
12 Environmental Compatibility (Case No. 99), and on March 30, 2000, issued the Certificate as
13 follows:

14 "Panda Gila River, L.P. and its assignee(s), hereby are granted a Certificate of
15 Environmental Compatibility authorizing construction of four natural gas-fired, combined cycle
16 generating units each of a nominal 520 megawatts, together with related infrastructure and
17 appurtenances, including intra-plant transmission and a switchyard, which generating unit shall
18 be located in Maricopa County, Arizona, approximately 75 miles southwest of Phoenix, within
19 the jurisdiction of the Town of Gila Bend.

20 The Certificate was granted upon the following conditions:

- 21
- 22 1. The Applicant and its assignees will comply with all existing applicable air and
23 water pollution control standards and regulations, and with all existing applicable
24 ordinances, master plans and regulations of the State of Arizona, the County of
25 Maricopa, the Town of Gila Bend, the United States, and any other governmental
26 entities having jurisdiction.
 2. This authorization to construct the Project will expire five years from the date the
Certificate is approved by the Arizona Corporation Commission unless
construction is completed to the point that the plant is capable of operating at its
rated capacity by that time; provided, however, that prior to such expiration the

1 Project owner may request that the Arizona Corporation Commission extend this
2 time limitation.

- 3 3. Applicant's project having two (2) or more approved transmission lines
4 emanating from its power plant's transmission switchyard and interconnecting
5 with the existing transmission system. This plant interconnection must satisfy the
6 single contingency outage criteria (N-1) without reliance on remedial action such
7 as generator unit tripping or load shedding.
- 8 4. Applicant providing to the commission a technical study regarding the sufficiency
9 of transmission capacity to the plant. Applicant agrees to satisfy this condition for
10 its facility prior to commencement of construction, and to provide an updated
11 technical study regarding the sufficiency of transmission capacity to the plant not
12 more than 12 months prior to the commercial operation of the plant.
- 13 5. Applicant submitting to the Commission an interconnection agreement with the
14 transmission provider with whom it is interconnecting.
- 15 6. Applicant or one of its affiliates becoming a member of WSCC, or its successor,
16 and filing a copy of its WSCC Reliability Criteria Agreement or Reliability
17 Management System (RMS) Generator Agreement with the Commission.
- 18 7. Applicant using commercially reasonable efforts to become a member of the
19 Southwest Reserve Sharing Group, or its successor, thereby making its units
20 available for reserve sharing purposes, subject to competitive pricing.
- 21 8. Conditions 3-7 above shall automatically terminate if it or a substantially similar
22 condition is not included in future generating facility Certificates of
23 Environmental Compatibility as approved by the Commission or upon any
24 subsequent amendment or invalidation by the Commission or a reviewing court.
- 25 9. If human remains and/or funerary objects are encountered during the course of
26 any ground disturbing activities related to the development of the subject
property, Applicant shall cease work and notify the Director of the Arizona State
Museum in accordance with A.R.S. § 41-865.
10. Applicant shall implement a land management and reclamation plan in accordance
with the requirements of the Annexation-Development Agreement to be executed
between Applicant and Town of Gila Bend.

21 IT IS THEREFORE ORDERED that the Certificate of Environmental Compatibility
22 granted to Panda by the Arizona Power Plant and Line Siting Committee on March 30, 2000, is
23 hereby approved as conditioned hereinabove.

24 GRANTED this _____ day of March, 2000.

ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE

By _____
Charles S. Pierson
Chairman

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION

Chairman

Commissioner

Commissioner

In Witness Hereof, I, Brian C. McNeil, Executive
Secretary of the Arizona Corporation Commission,
set my hand and cause the official seal of this
Commission to be affixed, this ____ day of
_____, 2000.

By: _____
Brian C. McNeil
Executive Secretary

Dissent: _____

1052708.1/73262.001